GOVERMENT OF ANDHRA PRADESH
A B S T R A C T

Public Services – Transport Department – Allegation of possession of Assets disproportionate to the known sources of income against Sri Yannam Sudhakar Reddy, the then Motor Vehicle Inspector O/o the Deputy Transport Commissioner, Guntur Guntur District - Disciplinary action initiated – Article of charges issued – Written Statement of Defence received – Further action dropped – Orders – Issued.

==========

TRANSPORT, ROADS & BUILDINGS(VIG.TR) DEPARTMENT

G.O.RT.No. 375 **Dated: 26-11-2020.**

Read the following:-

1. Rc.No.97/RCA-NPK/2016, dt.28.09.2016 from the DG,ACB, Hyderabad. (Preliminary report)
2. Proceedings Rc.No.2714/V2/2016,dt.10.08.2016 from the TC, Andhra Pradesh
3. G.O.Ms.No.69, T,R & B (Vig.TR) Dept., dt.30.11.2016
4. Rc.No.97/RCA-NPK/2016, dt.03.04.2018 from the DG,ACB, Vijayawada. (Final report)
5. G.O.Rt.No.189, T,R & B (Vig.Tr) Dept., dt.21.5.2018
6. Charge memo No.2714/V2/2016, dt.6.2.2019 of TC, Vijayawada.
7. Written State of Defence of Sri Y.Sudhakar Reddy, MVI, O/o DTC, Nellore dt.13.02.2019.
8. Lr.C.No.4/RCA-OGL/2016, dt.16.8.2019 of Inspector of Police, ACB, Prakasham District Ongole
9. Memo No.2714/V2/2016, dt.27.8.2019 of TC, Vijayawada
10. Final Written State of Defence of Sri Y.Sudhakar Reddy, MVI, O/o DTC, Nellore dt.22.10.2019

***

ORDER:-

The Director General, ACB, Hyderabad in his letter(Preliminary report) 1st read above, has informed that the ACB officials have registered a case in Crl.No.04/RCA- OGL/2016, u/s 13(2) R/W 13(1) (e) of P.C Act, 1988, on 05.07.2016 against Sri Yannam Sudhakar Reddy, the then Motor Vehicle Inspector O/o. DTC, Guntur was in possession of assets disproportionate to the known sources of his income. The Accused officer had remanded to Judicial Custody from 09.07.2016 to 23.07.2016. The Transport Commissioner has placed the Accused Officer under deemed suspension w.e.f. 8.7.2016 ie., date of his detention vide 2nd read above. In the G.O. 3rd read above, Government have authorized the Investigating Officer of ACB of Prakasam District, Ongole for filing an application in the Court of Spl.Judge for SPE & ACB cases, Nellore for attachment of Properties of Sri Yannam Sudhakar Reddy, the then MVI(u/s) worth Rs.2,21,12,619/-. Later, in the G.O.5th read above, the suspension of Charged Officer has been revoked and reinstated into service based on the review meeting of suspension cases held on 11.4.2018.

2. The Director General, ACB, Hyderabad in his final report in the 4th read above, has informed that total value of assets(71) acquired by the Accused Officer Sri Yannam Sudhakar Redy, the then MVI O/o DTC, Guntur and his family members are Rs.1,34,18,200/- and income of 21 items of the Accused Officer and his family is Rs.2,00,28,540/- and also expenditure of 22 items of accused officer and his family is Rs.1,07,70,909/- during the check period from 09.03.1994 to 08.07.2016. The likely savings of the Accused Officer and his family for the above said period is Rs.92,57,631/-(Total income: Rs.2,00,28,540/- (Minus) – Expenditure: Rs.1,07,70,909/-). The Calculation of the Disproportionate assets are as follows:-

.....2

Total Assets of the Accused Officer : Rs.1,34,18,200-00
Savings of the Accused Officer : Rs. 92,57,631-00

Disproportionate assets of the Accused Officer: Rs. 41,60,569-00

Percentage of Disproportionate assets(DA) Of the Accused Officer : DA / Income x100

$$= \frac{\text{Rs.41,60,569/-}}{\text{Rs.2,00,28,540/-}} \times 100 = 20.77\ \%$$

3. The DG, ACB has therefore requested to initiate departmental action for major penalty for abusing official position and had acquired assets disproportionate to the known sources of his income to the tune of Rs.41,60,569/- (20.77%) during the check period from 09.03.1994 to 08.07.2016 and Charged Officer has not filed Annual Property Returns during his service from 2006 to 2015 and also failed to obtain permissions for acquiring immovable properties held in the name of his wife & daughter and further Accused Officer involved in money lending and also allowed his wife to involve in business activities without obtaining permission from the competent authority. Thus, the Accused Officer has violated rule 9 (1) R/w 3 (1) (2) and in contravention of Rule 8 R/w 3 (1) (2) and also Rule 10 (1-A) of APCS (Conduct) Rules, 1964.

4. The Transport Commissioner, A.P., Vijayawada has initiated department action by framing Article of charges vide charge memo 6th read above. The Charged Officer has submitted Written Statement of Defence partly. After receipt of the documents mentioned in Annexure III & IV of Article of charges from TC, vide letter 9th read above, the Charged Officer has submitted his final Written Statement of Defence vide 10th read above. While, enclosing the charge memo, Written Statement of Defences and relevant material, the Transport Commissioner has requested the Government to entrust case to the Commissioner of Inquiry to conduct regular Inquiry

5. Government have examined the charges with Written Statement of Defense and found that

Charge-I: In this charge the deviation of disproportionate assets as identified by ACB is 20.77% . It was mentioned that when the variation is up to 20%, generally action is not taken vide Government memo No.623/SPL.C/2008-2, dt.15.10.2008.

Charge-II: The assets acquired by his wife with her own sources of income and the particulars of her assets and income sources were duly reflected in her IT returns. She is having Education Institution named as Kavya Education Society. And properties in the name of his daughter were purchased by his father out of his own sources at the time of her marriage.

In the case of Pitamber Lal Goyal, Addl.District & Session Judge Vs State of Hariyana (1999 (1) SLJP & H 188), the Hon`ble High Court observed that "Even if it is assumed that the petitioner had the knowledge, he was required to inform the prescribed authority or obtain its previous sanction only if he was acquiring or disposing of property either his own name or in the name of any member of his family. In the present case, it is established on the record that the petitioner`s wife had brought the plot of land with her own money. She is not a Government servant.

.....3

The petitioner had not paid for the transaction. He was not acquiring the property either in his own name or in the name of member of his family. The Hon`ble High Court held that the transaction di not fall with the mischief of Rule 18 (2) of Government Employees (conduct) Rules, 1966.

Charge –III: The charged officer having record to submit APRs up to 2005 after words the APRs were not traceable However, during the period from 2006 to 2016 he neither acquired or disposed any property in his name.

Charge-IV: The Charged officer`s money lending issues were noticed only are 2(two) in the year 1992 that is prior to the joining the Government Service and it is not possible to take prior permission from the competent authority. In that two lending issues resulting money received in the year 1995.

Charge -V: As per rule 10 (1-A) of AP Conduct Rules 1964 every Government employee shall report to the Government if any member of his family is engaged in trade and business or owns or manages an insurance agency or Commission agency. But in the instant case, wife of charged officer has running Education Institution which is not fallen on the above category directly.

6. In this regard, Government have observed that the deviation of disproportionate assets as identified by ACB is 20.77% . It was mentioned that when the variation is up to 20%, generally action is not taken vide Government memo No.623/SPL.C/2008-2, dt.15.10.2008. The variation is marginally high at 20.77%.

7. Therefore, the Government have satisfied with the written statement of defence of charged officer and decided to drop further action in this case of possession of Assets disproportionate to the known sources of income against Sri Yannam Sudhakar Reddy, the then Motor Vehicle Inspector O/o the Deputy Transport Commissioner, Guntur Guntur District.

8. Accordingly the Government is hereby dropped further action against Sri Yannam Sudhakar Reddy, the then Motor Vehicle Inspector O/o the Deputy Transport Commissioner, Guntur Guntur District

9. The Director General, Anti Corruption Bureau, and Transport Commissioner, Vijayawada shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.T.KRISHNA BABU
PRINCIPAL SECRETARY TO GOVERNMENT.

To
The Director General, Anti Corruption Bureau, Vijayawada
The Transport Commissioner, Vijayawada
Sri Yannam Sudhakar Reddy, Motor Vehicle Inspector **THROUGH** the Transport Commissioner, A.P., Vijayawada.
Copy to
The Secretary to Vigilance Commissioner, APVC, Velagapudi
P.S. to Hon`ble M(I &PR & T)
P.S. to Prl.Secretary to CM
SF/SC.

//forwarded::by order//

SECTION OFFICER.